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AN ACT

RELATING TO CAPITAL OUTLAY; REVERTING CERTAIN CAPITAL OUTLAY
APPROPRIATIONS TO THE TRIBAL INFRASTRUCTURE PROJECT FUND;
AMENDING LAWS 2006, CHAPTER 111, SECTION 76 and Laws 2007,
Chapter 2, Section 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Laws 2006, Chapter 111, Section 76 is
amended to read:

"Section 76. REVERSIONS OF CERTAIN APPROPRIATIONS FOR
INDIAN PROJECTS.--The unexpended balance, as defined in
Subsection D of Section 2 of this act, of an appropriation
made from the general fund to the Indian affairs department
or to the aging and long-term services department for
projects located on lands of an Indian nation, tribe or
pueblo, including projects that have been reauthorized, shall
revert in the time frame set forth in Subsection A of Section
2 of this act to the tribal infrastructure project fund."

Section 2. Laws 2007, Chapter 2, Section 1 is amended
to read:

"Section 1. GENERAL FUND APPROPRIATIONS--LIMITATIONS--
REVERSIONS.--

A. Except as otherwise provided in this section or
another section of this act, the unexpended balance of an
appropriation made in this act from the general fund shall

1 revert to the originating fund as follows:

2 (1) for projects for which appropriations
3 were made to match federal grants, six months after
4 completion of the project;

5 (2) for projects for which appropriations
6 were made to purchase vehicles, emergency vehicles or other
7 vehicles that require special equipment, heavy equipment,
8 educational technology or equipment or furniture that is not
9 related to a more inclusive construction or renovation
10 project, at the end of the fiscal year two years following
11 the fiscal year in which the appropriation was made for the
12 purchase; and

13 (3) for all other projects for which
14 appropriations were made, within six months of completion of
15 the project, but no later than the end of fiscal year 2011.

16 B. Upon certification by an agency that money from
17 the general fund is needed for a purpose specified in this
18 act, the secretary of finance and administration shall
19 disburse such amount of the appropriation for that project as
20 is necessary to meet that need.

21 C. Except for appropriations to the capital
22 program fund, money from appropriations made in this act
23 shall not be used to pay indirect project costs.

24 D. The unexpended balance of an appropriation made
25 from the general fund or other state fund, including changes

1 to prior appropriations, to the Indian affairs department or
2 the aging and long-term services department for projects
3 located on lands of an Indian nation, tribe or pueblo,
4 including projects that have been reauthorized, shall revert
5 in a time frame set forth in Subsection A of this section to
6 the tribal infrastructure project fund.

7 E. For the purpose of this section, "unexpended
8 balance" means the remainder of an appropriation after
9 reserving for unpaid costs and expenses covered by binding
10 written obligations to third parties."

11 Section 3. A new section of the Tribal Infrastructure
12 Act is enacted to read:

13 "TRIBAL CAPITAL OUTLAY REVERSIONS.--

14 A. The unexpended balances of a capital outlay
15 appropriation made after January 1, 2007 from the general
16 fund to the department or to the aging and long-term services
17 department for projects located on lands of an Indian nation,
18 tribe or pueblo shall revert to the project fund.

19 B. For the purpose of this section, "unexpended
20 balance" means the remainder of an appropriation after
21 reserving for unpaid costs and expenses covered by binding
22 written obligations to third parties."

23 Section 4. TEMPORARY PROVISION--RECOMPILATION
24 INSTRUCTION.--The compiler shall recompile Sections 9-21-17
25 through 9-21-24 NMSA 1978 (being Laws 2005, Chapter 146,

1 Sections 1 through 8, as amended) as a part of Chapter 6,

2 Article 29 NMSA 1978.

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